

(b) *If the contract is for a four-year term, the contract shall allow the bank to establish, on the basis of negotiations with the county, new interest rates and financial terms of the contract that will take effect during the final two years of the four-year contract if:*

(1) the new financial terms do not increase the prices to the county by more than 10 percent; and

(2) the county has the option to choose to use the initial variable interest rate option or to change to the new fixed or variable interest rate options proposed by the bank.

(c) ~~[(b)]~~ A bank must file its application on or before 10 a.m. on the first day of the term. The application must be accompanied by a certified check or cashier's check for at least one-half percent of the average daily balance of the trust funds held by the county and district clerks during the preceding calendar year, as determined by the county clerk on or before the 10th day before the date the application is required to be filed. ~~[(e)]~~ A certified check or cashier's check that complies with this section is a good-faith guarantee on the part of the applicant that if its application is accepted it will execute the bond required under this subchapter. If the bank selected as depository does not provide the bond, the county shall retain the amount of the check as liquidated damages and the county shall select another depository as provided by this subchapter.

(d) If for any reason a county depository is not selected under Subsection (a), the commissioners court, at any subsequent time after 20 days' notice, may select, by the process described by Section 117.023 or by negotiated bid, one or more depositories in the same manner as at the regular term.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 30, 1995, by a non-record vote; passed by the Senate on April 26, 1995: Yeas 31, Nays 0.

Approved May 9, 1995.

Effective August 28, 1995, 90 days after date of adjournment.

CHAPTER 66

S.B. No. 403

AN ACT

relating to the occupation tax imposed on attorneys.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter H, Chapter 191, Tax Code, is amended to read as follows:

SUBCHAPTER H. ATTORNEYS

Sec. 191.141. DEFINITIONS. In this subchapter:

- (1) "Attorney" means a person licensed to practice law in this state.
- (2) "Tax year" means June 1 of one year through May 31 of the following year.
- (3) "State bar" means the State Bar of Texas.

Sec. 191.142. IMPOSITION AND RATE OF TAX. (a) A tax is imposed on each attorney.

(b) The tax rate is \$200 per year to be paid in advance.

Sec. 191.143. TIME FOR PAYMENT OF TAX. (a) Except as provided by Subsection (b), each attorney shall pay the tax for each tax year on or before June 1 of the tax year.

(b) If a person is licensed to practice law after the beginning of the tax year or resumes active status to practice law after the beginning of the tax year, the person being licensed or resuming active status shall pay the tax imposed by this subchapter in proportion to the number of months for which the person will be licensed during that tax year. If a person is licensed after the beginning of a calendar month, the month in which the person is licensed shall count as a month for purposes of payment of taxes under this subsection.

Sec. 191.1431. METHOD OF COLLECTION. The supreme court shall administer the collection of taxes under this subchapter.

Sec. 191.144. EXEMPTIONS. The tax imposed by this subchapter does not apply to:

(1) an attorney who is 70 years of age or older; or

(2) an attorney who has assumed inactive status under rules governing the licensing of attorneys in this state.

Sec. 191.1441. SUSPENSION AND REINSTATEMENT. (a) The supreme court shall suspend from the practice of law a person who does not pay, within 90 days after the date it is due, the tax imposed by this subchapter or a penalty relating to that tax.

(b) An attorney who is suspended under Subsection (a) shall be reinstated on payment of the tax and any interest and penalties.

Sec. 191.1442. PENALTY AND INTEREST. (a) A penalty of five percent of the tax due shall be imposed on a person who fails to pay the tax imposed or file a report required by this chapter when due, and, if the person fails to file the report or pay the tax within 30 days after the day on which the tax or report is due, an additional five percent penalty shall be imposed.

(b) The yearly interest rate on delinquent tax imposed by this chapter is 12 percent. Delinquent taxes draw interest beginning 60 days from the due date.

Sec. 191.1443. RULES. The state bar, with the approval of the supreme court, shall have the authority to adopt policies and rules for the administration and collection of the tax imposed by this chapter and for the exemptions from that tax and shall have the authority to compromise interest and penalties attributable to the tax imposed by this chapter.

Sec. 191.145. DISTRIBUTION OF TAX. The supreme court shall forward tax received under this subchapter to the state for deposit:

(1) twenty-five [(a) Twenty-five] percent of the taxes [collected under this subchapter in any tax year] shall be deposited to the credit of the foundation school fund; and[,]

(2) seventy-five [(b) Seventy-five] percent of the taxes [collected under this subchapter in any tax year] shall be deposited to the credit of the general revenue fund.

SECTION 2. All forms and policies adopted by the comptroller specifically for the administration of Chapter 191, Tax Code, in effect on the effective date of this Act remain in effect until amended or repealed by the State Bar of Texas under authority granted to the State Bar of Texas by a change in law made by this Act or other law.

SECTION 3. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due as of the effective date of this Act and for enforcement of the liability for those taxes. However, as soon as practicable on or after the effective date of this Act, the comptroller shall transfer to the Supreme Court of Texas all unpaid accounts and files.

SECTION 4. An attorney tax (Chapter 191, Tax Code) proceeding under Section 111.009 or 111.105, Tax Code, that is not final on the effective date of a transfer of functions under this Act remains under the jurisdiction of the Comptroller as if this Act had not been enacted and the former law is continued in effect until the proceeding is final.

SECTION 5. This Act takes effect June 1, 1995.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed the Senate on March 9, 1995, by a viva-voce vote; the Senate concurred in House amendment on May 3, 1995: Yeas 31, Nays 0; passed the House, with amendment, on April 28, 1995: Yeas 126, Nays 2, two present not voting.

Approved May 10, 1995.

Effective June 1, 1995.

CHAPTER 67

S.B. No. 128

AN ACT

relating to certain evidentiary and procedural privileges and requirements for certain criminal cases.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 23.03, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A summons issued to any person must clearly and prominently state in English and in Spanish the following:

"It is an offense for a person to intentionally influence or coerce a witness to testify falsely or to elude legal process. It is also a felony offense to harm or threaten to harm a witness or prospective witness in retaliation for or on account of the service of the person as a witness or to prevent or delay the person's service as a witness to a crime."

SECTION 2. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.10 to read as follows:

Art. 38.10. EXCEPTIONS TO THE SPOUSAL ADVERSE TESTIMONY PRIVILEGE. The privilege of a person's spouse not to be called as a witness for the state does not apply in any proceeding in which the person is charged with a crime committed against the person's spouse, a minor child, or a member of the household of either spouse.

SECTION 3. Subsection (a), Section 23.101, Government Code, is amended to read as follows:

(a) The trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:

(1) temporary injunctions;

(2) criminal actions, other than those listed by Subdivision (7), with the following actions ~~[criminal actions against defendants who are detained in jail pending trial]~~ given preference over other criminal actions:

(A) criminal actions against defendants who are detained in jail pending trial; and

(B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.01, Family Code;

(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Section 3.581, 71.11, or 71.12, Family Code;

(5) appeals of final rulings and decisions of the Texas Workers' Compensation Commission and claims under the Federal Employers' Liability Act and the Jones Act;

(6) ~~[suits for declaratory judgment under Section 89.085, Natural Resources Code; and [(7)]~~ appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code; and

(7) an offense under:

(A) Section 21.11, Penal Code;

(B) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;